

807 KAR 5:061. Telephone.

RELATES TO: KRS Chapter 278

STATUTORY AUTHORITY: KRS 278.280(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 278.280(2) provides that the commission shall prescribe rules for the performance of any service or the furnishings of any commodity by the utility. This administrative regulation establishes general rules which apply to telephone utilities.

Section 1. Definitions. (1) "Access line" means wires or channels used to connect network interface at the subscriber premises with the central office.

(2) "Average busy season; busy hour traffic" means the average traffic volume for the busy season, busy hours.

(3) "Base rate area" means the developed portion or portions within each exchange service area as set forth in telephone utility tariffs, maps or descriptions. Access line service within this area is furnished at uniform rates without mileage charges.

(4) "Basic or regular service" includes all one (1), two (2), four (4) and eight (8) party access line service.

(5) "Busy hour" means the two (2) consecutive half-hours during which the greatest volume of traffic is handled in the central office.

(6) "Busy season" means that period of the year during which the greatest volume of traffic is handled in the central office.

(7) "Calls" means telephone messages attempted by a customer.

(8) "Central office" means a unit of a telephone utility, including switching equipment and appurtenant facilities used to establish connections between customer lines or between customer lines and trunk or toll lines to other central offices within the same or at other exchanges.

(9) "Class of service" means the various categories of telephone service generally available to customers, such as business or residence.

(10) "Customer or subscriber" means any person, firm, partnership, corporation, municipality, co-operative, organization or governmental agency provided with telephone service by any telephone utility.

(11) "Customer trouble report" means any oral or written report from a subscriber or user of telephone service relating to a physical defect or difficulty with the operation of telephone facilities.

(12) "Direct distance dialing (DDD)" means customer dialing over the nationwide intertoll telephone network of calls to which toll charges are applicable. No operator assistance is required for DDD calls.

(13) "Exchange" means a geographical area established by a telephone utility for the administration of telephone service. It may embrace a city, town, or village and its environs or a portion thereof. It may consist of one (1) or more central offices together with associated plant used in furnishing communication service in that area.

(14) "Extended area service (EAS)" means the provision of toll free calling between or among two (2) or more exchange areas.

(15) "Grade of service" means the number of parties served on a telephone line such as one (1) party, two (2) party, four (4) party, etc.

(16) "Intercept service" means a service arrangement provided by the utility whereby calls placed to a disconnected, discontinued, or improperly listed telephone number are intercepted and the calling party is informed that the called telephone number has been disconnected, discontinued, changed, or that calls are being received by another telephone. This may be accomplished by recording or by operator.

(17) "Message" means a completed customer telephone call.

(18) "Outside plant" means telephone equipment and facilities installed on, along, over or under streets, alleys, highways, or on private rights-of-way between central office and customer's location or between central offices.

(19) "Regrade" means an application for a different class or grade of service.

(20) "Service line" means those facilities owned and maintained by a customer or group of customers. Lines of those facilities are connected with facilities of a telephone utility at an agreed point for communication service.

(21) "Service objectives," as construed in these administrative regulations, shall mean a designated number or percentage, applicable to various service measures, maintenance of which shall indicate a minimum satisfactory level of service.

(22) "Special service" means unusual and complex services such as data terminals, teletypewriter, full period circuits, wide area telephone service (WATS), or other items that require special engineering, installation or manufacturing to provide service.

(23) "Switching service" means switching performed for service lines.

(24) "Tariff" means the entire body of rates, tolls, rentals, charges, classifications, regulations and rules, adopted by a public utility in accordance with laws governing the provisions of public utility service.

(25) "Telephone utility" means any person, firm, partnership, cooperative, organization or corporation furnishing telephone service to the public under the jurisdiction of the commission.

(26) "Toll connecting trunks" means a general classification of trunks carrying toll traffic and ordinarily extending between a local office and a toll office.

(27) "Toll station" means an access line and associated equipment connected to a toll line or directly to a toll board.

(28) "Traffic" means telephone call volume, based on number and duration of messages.

Section 2. General Provisions. This administrative regulation governs furnishing of intrastate telephone service and facilities to the public by telephone utilities subject to the jurisdiction of the commission. These rules set forth reasonable service standards and procedures for rendering adequate and satisfactory service to the public.

Section 3. Acceptable Standards. Unless otherwise specified by the commission, the utility shall use applicable provisions in the following publications as standards of accepted good engineering practice for construction and maintenance of plant and facilities, incorporated in this administrative regulation by reference. Copies are available at the Commission office, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602.

(1) National Electrical Safety Code; ANSI C2. 1990 Edition, available by contacting the IEEE Service Center, 445 Hoes Lane, P.O. Box 1331, Piscataway, New Jersey 08855-1331. This material is also available for inspection and copying, subject to copyright law, at the offices of the Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602, Monday through Friday between the hours of 8 a.m. to 4:30 p.m. local time.

(2) National Electrical Code; ANSI/NFPA 70, 1990 Edition, available by contacting the National Fire Protection Association, Batterymarch Park, Quincy, Massachusetts 02169. This material is also available for inspection and copying, subject to copyright law, at the offices of the Public Service Commission, 211 Sower Boulevard, P.O. Box 615, Frankfort, Kentucky 40602, Monday through Friday between the hours of 8 a.m. to 4:30 p.m. local time.

Section 4. Basic Utility Obligations. (1) Each telephone utility shall provide telephone service to the public in its service area in accordance with its rules and tariffs on file with the commission. Such service shall meet or exceed standards set forth in this administrative regulation.

(2) Each telephone utility shall continually review its operations to assure adequate service.

(3) Each telephone utility shall maintain records of its operations in sufficient detail necessary to permit review, and those records shall be available for inspection by the commission upon request.

(4) Each utility shall maintain records of various service objectives by exchange, district, or as otherwise approved by the commission. A records summary shall be submitted monthly to the commission. If the utility's performance falls below the service objective for two (2) consecutive months, the utility shall submit to the commission a report setting forth action taken or planned to correct performance levels.

(5) Where a telephone utility is generally operated in conjunction with any other enterprise, suitable records shall be maintained so that results of the telephone operation may be determined upon reasonable notice and request by the commission.

Section 5. Directories. (1) Telephone directories shall be published at least yearly for each exchange listing the name, location and telephone numbers of all customers, except public telephones and numbers unlisted at customer request, which can be called within the service area without a long distance charge.

(2) Upon issuance, a copy of each directory shall be distributed by each utility to all its subscribers served by that directory, and a copy of each directory shall be furnished to the commission.

(3) The name of the telephone utility, the area included in the directory, and the year of issue shall appear on the front cover. Information pertaining to emergency calls such as for police and fire departments shall appear conspicuously in the front part of directory pages.

(4) The directory shall contain such instructions concerning placing local and long distance calls, calls to repair and information services, and location of telephone company business offices appropriate to the area served by the directory. Rates between frequently called points may also be included.

(5)(a) Information operators shall have access to records which include all listed telephone numbers, except public telephones and numbers that are unlisted at customer's request, in the area for which they are responsible for furnishing information service.

(b) Intercept operators shall have access to records which indicate the status of all telephone numbers in the area for which they are responsible for furnishing intercept service.

(6) In the event of an error in the listed number of any customer, the telephone utility shall intercept all calls to the listed number for ninety (90) days provided the number is not in service. In the event of an error or omission in the name listing of a customer, such customer's correct name and telephone number shall be in the files of information or intercept operators and the correct number furnished the calling party either upon request or interception.

(7) Whenever any customer's telephone number is changed after a directory is published, and if central office capacity exists to do so, the utility shall intercept all calls to the former number for ninety (90) days, and give the calling party the new number if the customer so desires.

(8) When a large group of number changes are scheduled due to additions or changes in plant, records or operations, reasonable notice shall be given to all customers so affected even though the additions or changes may be coincident with a directory issue.

Section 6. Exchange Maps. (1) Each telephone utility shall file maps with the commission showing the current exchange service area for each telephone exchange operated. Maps shall be in sufficient detail to reasonably permit locating exchange service area boundaries in the field. A copy of such map shall be included in the utility's tariff, in accordance with requirements of 807 KAR 5:011.

(2) With every revised map, the telephone utility so filing shall submit proof of notice of the proposed revision to each telephone utility whose exchange area adjoins exchange area boundary lines or is located reasonably near territory which would be changed by such revisions. This shall include

provision for the signature of an official of each telephone utility concerned on the copy of the exchange maps filed with the commission.

Section 7. Tariffs. Each telephone utility shall file with its tariff the various exchange areas, base rate areas where they exist, conditions and circumstances under which service will be furnished, and definition of the classes and grades of service available to customers, in accordance with 807 KAR 5:011.

Section 8. Extensions of Service. (1) The utility shall extend service to applicants within the base rate area where it exists without a construction charge except in cases of special requirements as identified by the utility in its approved tariff.

(2) Each telephone utility shall make an extension of 750 feet or less, free of charge, from existing plant facilities to provide service to applicants who shall apply for and contract to use the service for up to one (1) year and guarantee payment for the service.

(3) Other extensions.

(a)1. When an extension to serve an applicant or a group of applicants amounts to more than 750 feet per applicant, the utility may, if not inconsistent with its filed tariff, require the total cost of excessive footage over 750 feet per customer to be paid to the utility by the applicant or applicants, based on average estimated cost per foot of the total extension.

2. Each customer receiving service under such extension will be reimbursed under the following plan: Each year for a refund period of not less than ten (10) years, the utility shall refund to any customer who paid for the excessive footage the cost of 750 feet of the extension in place for each additional customer connected to the extension installed and not to extensions or laterals therefrom. Total amount refunded shall not exceed the amount paid the utility. After the refund period ends, no refund will be required.

(b) An applicant desiring an extension to a proposed real estate subdivision may be required to pay the entire cost of the extension. Each year for a period of not less than ten (10) years the utility shall refund to the applicant who paid for the extension a sum equivalent to the cost of 750 feet of the extension installed for each additional customer connected during the year. Total amount refunded shall not exceed the amount paid to the utility. After the refund period ends, no refund shall be required.

(4) Nothing contained in this administrative regulation shall be construed to prohibit a utility from making at its expense greater extensions than prescribed, if similar free extensions are made to other customers under similar conditions.

(5) Upon complaint to and investigation by the commission, a utility may be required to construct extensions greater than 750 feet upon a finding by the commission that such extension is reasonable.

(6) Nothing contained in this administrative regulation shall be construed to prohibit the utility from making extensions under different arrangements provided such arrangements have been approved by the commission.

Section 9. Grade of Service. (1) Within the base rate area, no telephone utility shall place more than four (4) customers on any local exchange access line. Within the service area no telephone utility shall connect more customers on any line than are contemplated under the grade of service charged the customer on such line.

(2) On rural lines where multiparty service is provided, no more than eight (8) customers shall be connected to any local exchange access line. The telephone utility may regroup customers in such a manner as necessary to carry out the provisions of this administrative regulation.

Section 10. Provision of Service. (1) It shall be the service objective of all utilities to fill ninety (90) percent of applications for regular service within five (5) working days of receipt unless applicant specifically requests a later date.

(2) The service objective for regular regrades shall be to fill ninety (90) percent of applications within thirty (30) days unless applicant specifically requests a later date.

(3) Applications for special service shall be filled as expeditiously as equipment and facilities permit.

(4) All applications which are not filled within five (5) working days for initial regular service and within thirty (30) days for regular regrades shall be considered as held applications.

(5) The utility shall keep a record by exchanges showing name and address of each applicant, date of application, date service desired, class and grade of service applied for, and any reason for inability to provide new or regrade service to applicant.

(6) When, because of shortage of facilities, a utility is unable to supply telephone service on dates requested by applicant, first priority shall be given to furnishing those services which are essential to public health and safety. In cases of prolonged shortage or other emergency, the commission may require establishment of a priority plan subject to its approval for clearing held orders, and may request periodic reports concerning progress being made.

(7) If circumstances beyond the control of the utility make it impossible to provide service within the time limits specified above, the utility shall promptly notify applicant of the reason for delay and give him a commitment date based upon best available information.

Section 11. Public Telephone Service. In each exchange, the telephone utility shall supply at least one (1) public coin-activated telephone that will be available on a twenty-four (24) hour basis. This public telephone shall be located in a prominent location in the exchange and shall be lighted at night. The utility may establish additional public telephone service at other locations. The commission may direct additional public telephone service upon finding that public convenience would be served.

Section 12. Discontinuance of Service. (1) When a telephone utility is notified in writing by the commission, federal or state law enforcement agency, Attorney General of Kentucky, a Commonwealth's attorney, or a county attorney acting within the agency or official's jurisdiction, that any facility furnished by it is being used or will be used for transmitting or receiving gambling information, that utility shall discontinue or refuse, to lease, furnish, or maintain such facility, after reasonable notice to the subscriber. No damages, penalty or forfeiture, civil or criminal, shall be recovered from any telephone utility for any act done in compliance with any notice received from the commission or law enforcement agency.

(2) Nothing in this section shall be deemed to prejudice the right of any person affected by this administrative regulation to secure an appropriate judicial determination that such facility should not be discontinued or removed, or should be restored.

(3) Nothing in this administrative regulation shall be construed to prevent transmission of information for use in legitimate news reporting of sporting events or contests by recognized news media.

Section 13. Customer Billing. Bills to customers shall be rendered regularly and shall contain clear listings of all charges. The utility shall comply with reasonable customer requests for an itemized statement of charges. All toll charges shall be itemized separately.

Section 14. Adequacy of Service. (1) Each utility shall employ recognized engineering and administrative procedures to determine adequacy of service being provided to the customer.

(2) Traffic studies shall be made and records maintained to the extent and frequency necessary to determine that sufficient equipment and an adequate operating force are provided at all times including the busy hour, busy season.

(3) Each telephone utility shall provide for operator assistance on a twenty-four (24) hour per day basis.

(4) Each utility shall employ adequate procedures for assignment of facilities. The assignment record shall be kept current and checked periodically to determine if adjustments are necessary to maintain proper balance in all groups.

Section 15. Dial Service Requirements. Sufficient central office capacity and equipment shall be provided to meet the following minimum requirements during the busy season:

(1) Dial tone within three (3) seconds on at least ninety-five (95) percent of telephone calls.

(2) No more than five (5) percent of dialed, local interoffice calls shall experience blockage due to an equipment or all-trunk busy condition.

(3) Sufficient toll connecting or interexchange trunks shall be provided by each utility in its service area so that no more than three (3) percent of calls offered to the telephone final trunk group will encounter an all-trunks busy condition.

(4) Each utility shall employ appropriate procedures to determine adequacy of central office equipment and local interoffice and EAS trunks.

Section 16. Grounded Circuits. The utility shall not construct any telephone lines less than a two (2) wire circuit or equivalent.

Section 17. Transmission Requirements. Telephone utilities shall furnish and maintain adequate plant equipment and facilities to provide satisfactory transmission of communications between customers in their service areas. Transmission shall be at adequate volume levels and free of excessive distortion. Levels of noise and crosstalk shall not impair communications.

Section 18. Minimum Transmission Objectives. (1) Transmission objectives set forth in this administrative regulation are based upon use of standard Federal Communications Commission registered telephone sets connected to a minimum forty-eight (48) volt dial central office and measured at a frequency of 1,000 cycles.

(2) Access lines shall have a loop resistance not exceeding the operating design of associated central office equipment.

(3) Telephone utilities shall, as nearly as possible, design access line loops having a transmission loss of no more than eight and five-tenths (8.5) decibels measured to the network interface.

(4) Overall transmission loss, including terminating equipment, on local interoffice trunks shall be no more than seven (7) decibels.

(5) Whenever feasible, overall transmission loss, including terminating equipment, on intertoll trunks and terminating links shall be no more than five (5) decibels.

Section 19. Provisions for Testing. Each telephone utility shall provide test facilities to determine the operating and transmission capabilities of circuit and switching equipment.

Section 20. Selective Ringing. Each telephone utility shall provide full selective ringing to all subscribers.

Section 21. Traffic Rules. (1) Suitable practices shall be adopted by each telephone utility that furnishes operator services concerning operating methods to be employed by operators with the ob-

jective of providing efficient and agreeable service to customers. The utility shall comply with provisions of the Communications Act of 1934 in maintaining secrecy of communications.

(2) When a utility is notified by a customer that he has reached a wrong number on a call provided by that utility, the customer shall be given credit on his bill when the claim has been substantiated.

Section 22. Answering Time. (1) Utilities that furnish operator services shall provide adequate personnel for operator assisted calls and operator number identification (ONI) to meet the service objective so that the average speed of answering time shall not exceed eight (8) seconds.

(2) The service objective for calls to the utility's repair service shall be an average speed of answering time no greater than twenty (20) seconds.

Section 23. Maintenance of Plant and Equipment. Each telephone utility shall have a written preventative maintenance program aimed at achieving efficient operation of its system to render safe, adequate and continuous service at all times. The written program shall include a plan depicting the types and frequency of preventive maintenance performed on outside plant, central office equipment, vehicles and buildings. The utility shall maintain records descriptive of its preventative maintenance program indicating both accomplished and planned work, carried out on a routine periodic basis.

Section 24. Emergency Operations. (1) Each telephone utility shall have a written plan to meet service emergencies resulting from failures of power service, sudden and prolonged increase in traffic, fire, storm, or acts of God. Each telephone utility shall train employees in procedure to be followed in an emergency.

(2) All central offices and toll centers shall adequately provide for emergency power. Each central and/or toll office shall have a minimum of four (4) hours of battery reserve. In exchanges exceeding 5,000 lines and in toll offices, a permanent auxiliary power unit shall be installed. In offices without installed emergency power facilities there shall be a mobile power unit available of suitable capacity which can be delivered and connected within two (2) hours, or one-half (1/2) the battery reserve time, whichever is greater.

Section 25. Service Interruption. (1) Each utility shall have arrangements to receive customer trouble reports twenty-four (24) hours per day and to clear trouble as quickly as possible during regular working hours, consistent with the bona fide needs of the customer and personal safety of utility personnel.

(2) Each telephone utility shall maintain an accurate record of trouble reports made by its customers. This record shall include appropriate customer identification; service affected; time, date and nature of report; action taken to clear trouble or satisfy complaint; and date and time of trouble clearance or other disposition. This record shall be available to the commission or its authorized representatives upon request, and shall be retained for at least one (1) year.

(3) The service objective shall be to clear eighty-five (85) percent of out-of-service troubles within twenty-four (24) hours of the report received by the utility, unless the customer specifically requests a later time.

(4) The service objective of the utility shall be to maintain service so that the average rate of customer trouble reports in an exchange is no greater than eight (8) per 100 access lines per month.

(5) When a customer's access line is reported to be out of order and remains out of order in excess of twenty-four (24) consecutive hours, the utility shall refund to the customer upon request the pro rata part of that month's charges for the period of days during which the telephone was out of order. This refund may be accomplished by a credit on a subsequent bill for telephone service.

Section 26. Construction Work near Utility Facilities. Telephone utilities shall, when requested, furnish to contractors appropriate information concerning location of underground conduit, cable, and other equipment in order to prevent any interruption of service to telephone customers. Nothing in this administrative regulation is intended to affect the responsibility, liability or legal rights of any party under applicable laws or statutes.

Section 27. Customer Service. A customer may be required to take service of a different type or insufficient quantity if the use of service interferes unreasonably with necessary service of other customers.

Section 28. Deviations from Rules. In special cases for good cause shown the commission may permit deviations from these rules. (8 Ky.R. 823; eff. 4-7-1982; 1481; eff. 3-8-1990; 17 Ky.R. 2515; eff. 4-4-1991; Crt eff. 3-27-2019.)